

JOHN S. CARROLL #0649
345 Queen St., Suite 607
Honolulu, Hawaii 96813
Telephone: (808) 526-9111
Facsimile: (808) 545-3800

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MEMORANDUM

at 10 o'clock and 99A
SUE BEITIA, OLGA

UNITED STATES OF) CR. No. 04-00132 DAE
AMERICA,)
)
Plaintiff,) AFFIDAVIT OF GREGORY WOLFE;
) CERTIFICATE OF SERVICE
vs.)
)
DAVID ELLIOTT,)
)
Defendant.)
)
)
)

STATE OF HAWAII)
 : SS.
CITY AND COUNTY OF HONOLULU)

GREGORY WOLFF, being first duly sworn on oath
deposes and says:

1. This Affidavit is based on my personal knowledge, except where otherwise stated, and, if called upon to do so, I could and would competently testify to the matters herein stated.

2. For the Court's information I have been a Martial Arts Instructor and Advocate for many years. I introduced David Elliott to the art of Kempo.

3. I have known David Elliott since 1988. I began working with him while I was employed by Ajax Maintenance Company, a solely owned proprietorship, owned by Brian Kelley. I met David Elliott because of the fact that I was working with Brian Kelly.

4. On or about 1996, I had been named Manager of Ajax Maintenance Company. Mr. Kelly had problems with the IRS and taxes and decided to incorporate.

5. I prepared and filed all of the corporate documents and was an officer of the corporation. I held the title of Vice President for Operations and General Manager.

6. It was at that same time in 1996, not only David Elliott but also his two (2) brothers, James and Robert Elliott were also working for Mr. Kelly.

7. Mr. Kelly was very poor in his handling of his payroll. Often times he would ask for his employees to wait for their pay and would generally come through with it.

8. By 1996, he owed a number of the employee's money. He owed David Elliott approximately \$1,800.00. I had told Mr. Kelly a number of times that he should make every effort to pay off David Elliott because he owed it to him. Also, it would hurt the business if they were all to walk of the job.

9. Mr. Kelly kept insisting that he did not have money so I suggested that he sell off some of his assets, take that money and give it to Mr. Elliott. I also knew at that same time that he had a gun collection which he kept in the home.

10. Since 1988, my wife and I resided in the home with Brian Kelly. Because of the intimacy of our

relationship that is living in the same dwelling, I knew pretty much what assets were in the home.

11. At some point in 1996, this matter came to a head and I insisted that Brian Kelly do something in order to take care of the debt that he owed to David Elliott.

12. Mr. Kelly then decided that he would give David Elliott some of the weapons which he had, I believe there were three or four guns in a box. I saw Mr. Kelly transfer that box of weapons to Mr. Elliott. I cannot pinpoint an exact date but I believe it was about April or May of 1996. Mr. Elliott took the weapons and as far as I know these are the same weapons that he is now charged for having illegal possession of firearms.

13. I do know David Elliott. He has been a friend of mine and continues to be a friend of mine of many years. I am certain that those weapons never left his possession. As far as I understand it when he moved from his last dwelling to his brother's house, he took them over there and stashed them under his bed.

14. He took those weapons from Mr. Kelly as security for the money that was owed to him by Mr. Kelly. A number of years after those weapons were transferred to him Mr. Kelly still had not paid David Elliott the money that was owed to him. We continued to make an issue of it.

15. Mr. Kelly went to David Elliott to ask for one of the weapons back so that he could sell it for enough money in order to pay him off. Mr. Kelly took the weapon, did not sell it and still owes the \$1,800.00 to Mr. Elliott.


16. At the time of Mr. Elliott's arrest for the illegal possession of firearms, I went to the Police Department and made a Declaration to the Police that I personally knew that the weapons were owned by Brian Kelly.

17. As far as I know the Police contacted Brian Kelly and Mr. Kelly stated that not only these were not his weapons but he did not know Mr. Elliott which is a flat out lie.


18. I am in the process in attempting to get a copy of the police report. I am very concerned that the Kona Police failed to do anything about the fact that the real culprit here is not David Elliott but Brian Kelly.

19. I would also like to say that I will not be able to appear before the Court in person because of several serious health problems that I have. I know that David Elliott is a man with a very special talent for helping people, is a very good person and I think that the worst thing that could happen to him and to our community here for those who are connected to his martial arts training is for him to have to spend even one minute in jail. I beg the Court not to impose any jail time upon Mr. Elliot.

FURTHER AFFIANT SAYETH NAUGHT.


GREGORY WOLFE

Subscribed and sworn to before me on
This 1ST day of MAY, 2006.



Notary Public, State of Hawaii
Manon Meisner
My commission expires: 7/06/2007



UNITED STATES v. DAVID ELLIOTT; CR. NO. 04-00132 DAE;
Affidavit of Gregory Wolfe

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF)	CR. No. 04-00132 DAE
AMERICA,)	
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Plaintiff,)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
DAVID ELLIOTT,)	
)	
Defendant.)	
)	
)	

CERTIFICATE OF SERVICE


I hereby certify that a true and exact copy of
the foregoing document was duly served upon the
following parties at their last known address by U. S.
Mail, postage prepaid on this date:

DARREN W. K. CHING
Assistant U.S. Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

Attorney for Plaintiff
UNITED STATES OF AMERICA

NEIL W. TSUKAYAMA
U.S. Probation Officer
U.S. Courthouse
300 Ala Moana Boulevard, Room C-126
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, May 9, 2006.



JOHN S. CARROLL

Attorney for Defendant
DAVID ELLIOTT